REMARKS

Claims 1-14 are pending and unamended in this application.

35 U.S.C. 102(b) Rejection

Claims 1-6 and 8-13 were rejected under 35 U.S.C. 102(b) as being anticipated by Verkruijssen (WO99/46944). Claims 1-6 and 8-13 are not anticipated by Verkruijssen.

MPEP 2112 Section IV provides a statement of the test for an inherency argument: "In relying upon the theory of inherency, the examiner must provide a basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent characteristic necessarily flows from the teachings of the applied prior art." Ex parte Levy, 17 USPQ2d 1461, 1464 (Bd. Pat. App. & Inter. 1990) (emphasis in original). The number of communication interfaces a device has and whether a communication interface is inside or outside of the device are not inherent characteristics that *necessarily* flow from the teachings of Verkruijssen.

Verkruijssen describes a call back scheme to spend more of the connection time with a lower tariff exchange for a reduced call price between two mobile telephones. For convenience, the cited passage of Verkruijssen is reprinted:

> In case the terminal 10 for instance wants to establish a connection with the terminal 20, then the terminal 10 will transmit a signal through the wireless path 12 to the exchange 30. Thereafter the number of the desired terminal 20 will be transmitted to the exchange 30 whereafter the exchange will take care that through communication path 14 the terminal 20 is called. As soon as the terminal 20 reports back, the connection from terminal 10 to terminal 20 through the exchange 30 is established. In a similar manner the terminal 10 is able to establish a connection with the wire-bounded terminal 22.

The office action asserts that in Verkruijssen's Figure 2, "exchange 30", "terminal 20" or "terminal 22" reads on Applicant's first device and that "terminal 10" reads on Applicant's third device. The Office Action asserts that terminal 10 "inherently includes "software" and that Applicant's specification says the activator can be embodied in software. However, as the passage above supports, there is never any explanation of how this allegedly inherent software in terminal 10 would be configured to perform a function

such as "to send a trigger signal when an external third device wants to communicate with the first device via the first interface." A lot of things can be embodied in software.

Furthermore, the reference does not disclose a first communication interface of a first device nor a "second communication interface inside the first device to receive the trigger signal." If anything, Verkruijssen provides support for just one interface in a device on its page 5 when it describes terminal 10 as having a memory buffer for storing a number and "an electronic circuit 19 which reacts on the return call of the exchange 40 by accepting this return call and by transmitting the number of the terminal 20 or 22 which is stored in the buffer 18." There is no discussion of interfaces of the devices in Figure 2 and certainly no discussion of whether they would be within a device or not.

Even more surprising is the assertion that the passage on page 4, lines 8-15 inherently teaches in the first device "an operation mode control module coupled to the first and second interfaces to cause the first interface to change its operation mode in order to communicate with the third device when the second interface receives the trigger signal." Verkruijssen does not disclose explicitly or inherently the first and second communication interfaces of the first device, and provides absolutely no support whatsoever for "an operational mode control module coupled to the first and second interfaces..." which were never disclosed or suggested by Verkruijssen in the first place. The assertions of inherency are entirely unfounded, and this rejection should be withdrawn with respect to claims 1-6 and 8-13 as the arguments with respect to claim 1 are applicable to independent claim 8 as well and its dependent claims. The additional features of the dependent claims are also additionally not disclosed, explicitly or inherently, by Verkruijssen as well.

35 U.S.C. 103(a) Rejection

Claim 7 depends from claims 1 and 6 and claim 14 depends from claim 8. Presumably, the Examiner's assertions with respect to the 102(b) rejection based on Verkruijssen are being applied in this rejection to teach the elements other than the additional features of claims 7 and 14. In a 103(a) rejection, the references must disclose each and every element of the claims and provide a motivation to combine. The arguments above with respect to claims 1-6 and 8-13 are applicable to illustrate that

claims 7 and 14 are patentable over Verkruijssen under 35 U.S.C. 103(a), and that this rejection should also be withdrawn.

Conclusion

In light of the amendments presented above, pending claims 1-14 as amended are in condition for allowance, and Applicant respectfully requests a prompt notice of allowance.

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Respectfully Submitted on Behalf of Applicant
Jean Tourrilhes

Eileen Lehmann

Eileen Lehmann
Registration No. 39,272
Hewlett-Packard Company
Mail Stop 1197
1501 Page Mill Road
Palo Alto, CA 94304
650-857-7940 (telephone)
650-852-8063 (fax)